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Supplemental Report of the Maritime Labor Board

MARCH 1, 1942.

To The President and to the Congress:

As we approach the expiration of title X of the Merchant Marine Act of 1936, as amended, and the completion of the duties assigned to the Maritime Labor Board, we who have been the members of the Board from the beginning wish to thank the President and the Congress for the privilege of participating with them in bringing the declared labor policy of the United States effectively to bear upon the relations between maritime employers and their employees. During the 3 years immediately preceding the creation of the Board in June 1938, conditions in the merchant marine were such as to lead the Commerce Committee of the Senate to declare that "the need for some effort to stabilize relations between employer and employee on board ship and on the waterfront can hardly be overemphasized." The Maritime Labor Board was created to make this effort during a 3-year period ending on June 22, 1941. Before that date relations between maritime employers and their employees attained a degree of stability which made them as noteworthy as they had been notorious. Today, morale in our merchant marine is evidenced by the way seamen risk their lives in their country's first line of defense. For the opportunity of contributing to this result, we are grateful.

What are the elements of lasting strength in this promising development? Are there weaknesses and deficiencies within the immediate control of the Congress that threaten its permanence? How can the constructive force of the public policy which induced it be made to carry through and beyond the present war so that the disastrous collapse of a similarly promising development after the first World War may not be repeated?

The most powerful influence in allaying the spirit of revolt and awakening the spirit of self-imposed discipline among seamen was the reaffirmation by Congress in the first section of title X of public policy with respect to collective bargaining in specific application to the maritime industry. The effectiveness of the Maritime Labor Board in mediating disputes between maritime employers and their employees was primarily due to the fact that the Congress had made the Board the proponent of that policy. The very presence of the Board under these conditions had a stabilizing effect throughout the maritime industry and frequently prevented the development of controversies into strikes even where the Board made no formal proffer of its services.

But the vitality and enduring strength of collective bargaining depends upon the degree to which it is carried on in good faith between

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recognized equals. Its very essence is the principle of democratic self-government. The operators in the maritime industry have been traditionally resistant to recognizing the unqualified civic status of seamen, and this affected their attitude toward all maritime workers whether aboard ship or longshore. For hundreds of years seamen were held by the courts to be wards of the State and it was not until 1915 that even here in America their right to the guarantees of the Thirteenth Amendment was specifically recognized even by the Congress. Even to this day, it is not an unusual experience to hear operating executives re-echo the judgment of the United States Supreme Court in *Robertson* v. *Baldwin* (165 U. S. 275) where it was said that "* * * seamen are treated by Congress * * * as deficient in that full and intelligent responsibility for their acts which is accredited to ordinary adults, and as needing the protection of the law in the same sense which minors and wards are entitled to the protection of their parents and guardians: * * *" and where it was accordingly held that "* * * it cannot be open to doubt that the provision against involuntary servitude was never intended to apply to their (seamen's) contracts."

This traditional attitude toward seamen as creatures somehow lacking in the stuff required for the competent exercise of the rights and responsibilities of normal democratic citizenship is reflected in the tentative, hesitant, and protective manner in which the Congress approached them as prospective parties to collective bargaining and the making and maintaining of agreements in section 1004 of title X of the Merchant Marine Act of 1936 as amended. That section, in contrast with the corresponding provision in the Railway Labor Act, made it the duty not of the parties but of the Maritime Labor Board to apply the principles and practice of collective bargaining, and the authority of the Board itself was limited to the encouragement of that practice. The response of the seamen particularly, even to this halting recognition of their capacity for self-government, has been remarkable. Under their driving initiative collective bargaining has made great strides not only in the off-shore trades but coastwise and even on the Great Lakes, the stronghold of the nonunion shop. Nevertheless, until the Congress permanently establishes public policy upon a clear and unequivocal definition of the legal status of seamen, unclouded by obsolete tradition, the very foundations of maritime labor relations will remain shaky.

It was for this reason that the Maritime Labor Board in its report of March 1, 1940, recommended that section 1004 of title X, which made it the duty of the Board to encourage maritime employers and their employees to make and maintain agreements, should be so amended as to make it the duty of maritime employers and employees themselves to make and maintain such agreements.

This fundamental recommendation the Congress adopted when it embodied in Public Law 124 of June 23, 1941, the provision that:

> It shall be the duty of all maritime employers, their officers and agents, and their employees or the duly selected representatives of such employees to exert every reasonable effort—(1) to make and maintain written agreements concerning rates of pay, hours of employment, rules, and working conditions, which agreements shall provide, by means of adjustment boards or port committees, for the final adjustment of disputes growing out of grievances or the application or interpretation of the terms of such agreements; (2) to settle all disputes, whether arising out of the interpretation or application of such agreements or otherwise, in order to avoid any interruptions to transportation of passengers or property in water-borne commerce.

Since title X in which this amendment is embodied expires on June 22, 1942, we would earnestly recommend that this provision be reenacted before that date and permanently incorporated in the Navigation Laws as evidence that the Congress has made up its mind once and for all that the men who go down to the sea in ships are entitled to full and final emancipation from their traditional status of doubtfully competent wards of the State and are henceforth and forever to be entrusted with the rights and responsibilities of unqualified American citizenship. As a necessary corollary we would also recommend that the Navigation Laws be brought into harmony with this definitive affirmation of public policy.

For one of the greatest weaknesses in the present statutory basis of maritime labor relations is that in many respects the Navigation Laws hark back to the era when seamen were held by the courts to be outside the pale of the Thirteenth Amendment. In its report of March 1, 1940, the Board pointed out that to a degree never adequately appreciated, the confusion which has characterized labor relations in the maritime industry has been a reflection and consequence of the confusion in the laws affecting these relations and in their administration. Jurisdictional conflict and rivalry between and among governmental agencies are not well calculated to build morale and respect for the law among the men who are subject to their governance.

It was for this reason that 2 years ago the Maritime Labor Board urged the Congress to inaugurate a dispassionate analysis of all existing laws affecting seamen in order that they might be brought into line with present-day conditions of water transportation, with the declared policy of the United States, and with recent interpretations of that policy by the Federal courts. In this connection it is appropriate that we should call special attention to the decision of the United States Circuit Court of Appeals for the Third Circuit in the Southern Steamship Co. case (*Southern Steamship Company* v. *National Labor Relations Board.* No. 7435. October term 1940 [1]), which sustains the position taken by the Board on March 1, 1940, when it

[1] As this report goes to press, this case is on appeal before the United States Supreme Court.

recommended that the Navigation Laws of the United States or any other laws relating to seamen should not be so construed as to abrogate the right of seamen to strike in safe domestic harbor. Yet even though the Federal courts both in the Southern Steamship Co. case and also in the Waterman case (*National Labor Relations Board* v. *Waterman S. S. Corp.*, 309 U. S. 206) have been forthright and bold in declaring the ascendency of living public policy over mortmain tradition, the continuing statutory confusion on this and related issues remains a potential source of friction and conflict.

We earnestly renew this recommendation today; and in view of the heightened spirit of unity and dedication to the public welfare which the attack upon our country has engendered and as a means of sustaining that spirit, we would further recommend that representatives of organized groups now party to written agreements be invited to cooperate with the appropriate committees of the Congress in this reexamination and revision of the Navigation Laws.

The legal status of maritime workers has not only been different from that of other workers with respect to civil rights and incidentally with respect to collective bargaining, but it continues to be different with regard to the degree of material security which they enjoy. Longshore work has long been notorious for its casual character. In some ports decasualization schemes have been instituted; but there are important docks where longshoremen's work remains entirely unregulated and is exposed to all the racketeering possibilities inherent in the shape system of hiring. Seamen are likewise subject to intermittent employment. In ordinary times the unlicensed seamen lose on the average from 3 to 4 months' work out of each year. Longshoremen fall under the old-age pension provisions of the Social Security Act, and since 1939 seamen also are so protected. But seamen have no public insurance whatsoever against unemployment. In the autumn of 1939 the President requested the Maritime Labor Board to draw upon the resources of appropriate governmental agencies, such as the WPA, to protect seamen against the effect of the unemployment which it was then anticipated would follow enactment of the neutrality laws of that year with their prohibition against the entry of American flag ships into proscribed war-danger zones. In this connection the Board initiated conferences with the Social Security Board and the Railroad Retirement Board for the purpose of drafting legislation to bring unemployed seamen under the coverage of the Social Security Act. Out of these conferences there evolved a recommendation which resulted in H. R. 5446 "A bill to establish a system of unemployment insurance in the maritime industry * * *" introduced in the House by Mr. Bland on July 30, 1941.

The Maritime Labor Board believes that the enactment at this time of a law providing for their insurance against unemployment

would further strengthen the present high morale of seamen and would also greatly fortify maritime labor relations against the stresses and strains to which they will inevitably be exposed in the years immediately following the war. For there is probably no factor more conducive to the growth and spread of the spirit of revolt than insecurity of income when it involves the bare necessaries of life.

And there is a third recommendation which the Board urges upon the attention of the Congress at this time, both because of its potential inspirational value to the effective conduct of the war and also because of its vital bearing upon the health of maritime labor relations in the post-war period. In its report of March 1, 1940, the Maritime Labor Board called the attention of the Congress to the fact that its most important unfinished job was that which had been assigned to it in section 1010 of title X. When that report was submitted, it was the expectation of the Board that the appropriate committees of the Congress would promptly proceed to a consideration of its recommendations and that with their aid it might be possible to advance this most important of all of its assignments to completion; but for more than a year those recommendations lay dormant in the Committees of Congress and the anticipated conferences between the Board and the Committees of the Congress were never held. It was in recognition of this fact that the House Committee on Merchant Marine and Fisheries made the recommendation, which was approved by the House of Representatives without recorded opposition, that title X and the Maritime Labor Board should be continued for 2 years in order that, among other things, there might be afforded "needed time for the careful consideration of the report and recommendations of the Maritime Labor Board * * *."

Section 1010 of title X provided:

> On or before March 1, 1940, the Board shall submit to the President and to Congress a comprehensive plan for the establishment of a permanent Federal policy for the amicable adjustment of all disputes between maritime employers and employees and for the stabilization of maritime labor relations. As far as may be, the Board shall seek to secure through its mediatory efforts agreement between maritime employers and employees upon the plan it is hereby required to submit.

While the Board considered that the recommendations which it submitted in March 1940 constituted a next step in the development of the comprehensive plan, it also frankly stated that it had been able to find no indication of the possibility of agreement at that time between maritime employers and employees upon any plan such as that contemplated by the Congress in section 1010. For that reason the Board advocated the maintenance of some specialized governmental agency to act as the exponent of the public interest at least "until such time as maritime employers and employees have demonstrated their ability to protect their respective interests without

jeopardizing the interest of the public through needless interruptions to the free flow of water-borne commerce, or until the parties themselves have been able to agree upon a plan for the stabilization of maritime labor relations which commands the support of the Congress." Upon examination of the experience record upon which the Board's recommendation was based, the House Committee on Merchant Marine and Fisheries approved this recommendation as clearly in the public interest. It was rejected by the Commerce Committee of the Senate and ultimately by the Congress on the alleged ground that the existence of an independent specialized maritime board constituted a wasteful duplication of the functions and facilities of other governmental agencies.

As the national emergency grew increasingly acute during the summer and autumn and winter of 1941, the critical demands of national security demonstrated the soundness of the judgment of the House Committee on Merchant Marine and Fisheries. It quickly began to appear that collective bargaining in the maritime industry and the capacity for team work not only between maritime employers and their employees, but also between organized groups of employers, on the one hand, and organized groups of workers on the other, had not reached sufficient maturity to provide a means of quick adjustment on a national scale of disputes over war bonuses and related issues which threatened to delay the movement of essential supplies to the embattled democracies across the seas. In the report of the Senate Committee on Commerce (No. 457), it was said that " * * * the creation of the National Defense Mediation Board answers such need as may exist at this time for a specialized agency." When, however, the critical national interest demanded that preventive measures be immediately taken against the development of maritime disputes, it was neither the maritime employers nor the maritime unions nor indeed the National Defense Mediation Board, but the United States Maritime Commission and the Department of Labor, acting as an improvised *ad hoc* specialized mediation agency, that called the representatives of the licensed officers' organizations and off-shore steamship operators' associations into conference for the purpose of achieving a nation-wide agreement on war-risk compensation.

Furthermore when, after the attack upon Pearl Harbor, it became imperative that no strikes or lockouts whatsoever should be permitted to delay the movement of ships, it was again the Department of Labor and the United States Maritime Commission, both of which had only recently manifested opposition to the proposal of the House Committee on Merchant Marine and Fisheries with respect to the continuance of title X, that again constituted themselves a specialized agency for the making of agreements and the settling of disputes in the maritime industry, and in that capacity, summoned to Washington the representatives not only of the licensed officers and shipowners but also the representatives of the unlicensed seamen, the radio operators, and the longshoremen. Under the guidance of these two governmental agencies, the conference arrived at a 4-point agreement which provides: (1) That there shall be no strikes or lockouts during the war; (2) that war bonuses and insurance shall be determined on a uniform basis covering the entire Nation or the entire industry in each case; (3) that the right of collective bargaining shall not be violated; and (4) that a 3-man Maritime War Emergency Board shall be set up with final power to settle disputes.

These conferences were timely and effective in the national interest. Moreover the program which they adopted again demonstrated—as crises in peace and in war had demonstrated before—that there are peculiarities in the maritime industry itself and in its relation to the national economy and defense which demand and, *in times of crisis*, invariably receive specialized treatment.

We realize that at this moment all energies must be concentrated upon the single-minded prosecution of the war. The first business is to defeat the enemy. But we believe that there will be general concurrence with the recently published statement of Vice President Wallace that as we move on these immediate problems we must not lose sight of the problems of the peace to come. "A generation ago," he says in *The American Choice* "we organized efficiently for war, but we did not know how to organize the peace." The peace found us unprepared to deal with the problems of reconstruction not only of our own national economy but also of the economy of the world by which our security was conditioned. The peace, therefore, did not end the war; it merely camouflaged a deceptive truce. Domestically as well as in our international relations we reverted to a parochial isolationism; and of this unimaginative and slack reversion, for which the Congress of that day was largely responsible, the American Merchant Marine and the seamen and other maritime workers were among the most tragic victims.

In view of that record is it not appropriate that we should remind the President and the Congress that another program of great promise similar in essentials to that evolved under the improvised joint leadership of the Department of Labor and the Maritime Commission was developed by the United States Shipping Board during the first World War? During that war and up to 1920 or 1921 the Division of Marine and Dock Industrial Relations, like the present Maritime War Emergency Board improvised to meet a crisis, gave a keen and intelligent demonstration of the effectiveness of governmental encouragement and support of collective bargaining. The Shipping

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Board did not view collective bargaining as in conflict with the sovereignty of the United States.

Though certain groups of seamen and longshoremen had worked under collective contracts prior to 1918, the first coastwide agreements in the Atlantic shipping industry were made under the auspices of the Shipping Board. Under these arrangements both the wages of ship and shore workers and their conditions of work materially improved during World War I. But the Congress was not of a clear mind about collective bargaining and its essential foundations. In fact, both the Congress and the Shipping Board failed to recognize that neither the maritime employers nor the seamen had had long enough experience in negotiating on an equal bargaining basis to make it possible for them to sustain the democratic procedure without Government support after the war.

During the post-war reaction, the Shipping Board turned from the support and development of sound maritime labor relations to problems of sale, liquidation, and subsidy. The Division of Marine and Dock Industrial Relations for all its fine achievements during the national crisis gradually lost all authority and, in due course, was abolished. Though still under the leadership of Andrew Furuseth—whose post-mortem glorification is touched with irony for those of us who were close to him during his last broken years—the Seamen's Union went to pot with the hundreds of vessels that were left to rust in the mud off Jones Point in the Hudson, along Solomon's Island in the Chesapeake, and elsewhere. The general demoralization spread along the docks and among the longshoremen, breeding strikes and in some instances gross racketeering. For this catastrophe we believe that the post-war Congresses with their neglect of a consistent Federal policy in specific application to the maritime industry were responsible. Today, after a brief period of contrition in which the Congress committed itself in section 1010 of title X to the execution of its responsibility for the development of "a comprehensive plan for the establishment of a permanent Federal policy * * * for the stabilization of maritime labor relations," the Congress has turned away from that unfinished job, and we are again witnessing a period of improvisation by administrative agencies without benefit of congressional participation. Is there not danger that, unless the Congress is alert to its continuing responsibility, our merchant marine and more particularly maritime labor relations may again be unable to stand up in the face of international competition and that the drab history of the last post-war years may be repeated?

We most earnestly urge upon the President and the Congress the importance of keeping continuously alert against this danger.

In winding up the affairs of the Maritime Labor Board in compliance with the instructions of the Congress, approved by the President, the

Board has made every effort within its meager financial resources to organize its records, preliminary to their transfer to the Archives, in such a way as to make their substance readily accessible either to the Congress or to any agency or agencies to which the President by Executive Order or the Congress by legislative action may assign the duty of completing the unfinished job and safeguarding the public interest in peace as well as in war.

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BASIC STUDIES IN MARITIME LABOR RELATIONS

A number of studies were undertaken by the Board with a view to defining some of the basic problems underlying labor relations in the maritime industry. These investigations were planned to give the Board and its mediators a clear and realistic understanding of the causes which from time to time led to obstructions, or to threats of obstructions, to the free flow of water-borne commerce and to enable the Board to plan for the amicable adjustment of disputes between the interested parties and for the permanent stabilization of labor relations in the industry.

Some of the information gathered through these investigations proved of practical administrative value in the settlement of maritime labor disputes, and was utilized in the preparation of the report to the President and the Congress, submitted by the Board on March 1, 1940, in compliance with section 1010 of title X of the Merchant Marine Act, 1936, as amended in 1938.

The following studies have been filed with the Archives. Because of lack of time and funds none of these studies has been completed but the Board believes that each of them will prove of value to those who, in the future, may undertake investigations in the field of maritime labor relations.

HISTORY OF TITLE X OF THE MERCHANT MARINE ACT, 1936, AS AMENDED

Maritime labor policy in World War I.
Post-war policy, 1921–38.
Present status of the Maritime Labor Board.

WORK OF THE MARITIME LABOR BOARD

Making and maintaining agreements.
Mediation.
Maritime Labor Board Report, March 1, 1940:
- Recommendations for amending title X:
  - Section 1002.
  - Section 1003.
  - Section 1004.
  - Section 1005.
  - Section 1006.
  - Section 1007.
  - Section 1009.
  - Section 1010.
  - Section 1012.
- Recommendation for the revaluation of seamen's statutes.

ANALYSIS OF MARITIME AGREEMENTS

Method used in the study.
Introduction:
- General characteristics of maritime agreements:
  - Recognition of the union as sole collective bargaining agency.
  - Recognition of the ship's delegate.
  - Prohibition of stoppages.
  - Duration of agreements.
  - Holidays.
- Special characteristics of maritime agreements:
  - Issuance of passes.
  - Living conditions abroad ship.
  - Superfluous provisions.
  - Safety provisions.
  - War-risk provisions.
  - Vacations.
  - Maritime laws and collective agreements.

Selected problems in the agreement relationship:
- Hiring and discharge:
  - Agreements covering licensed officers:
    - Preferential hiring and closed shop.
    - Method of hiring.
    - Employer's right to reject men dispatched.
    - Employer's right to discharge.
  - Agreements covering unlicensed personnel:
    - Preferential hiring and closed shop.
    - Method of hiring.
    - Employer's right to reject men dispatched.
    - Employer's right to discharge.
- Adjustment of disputes and grievances:
  - Adjustment machinery:
    - Grievance procedures.
    - Interpretation of the agreement.
    - Atlantic and Gulf coasts:
      - Licensed officers.
      - Unlicensed personnel.
    - Pacific Coast steam schooners:
      - Licensed officers.
      - Unlicensed personnel.
    - Pacific Coast offshore operations:
      - Licensed officers.
      - Unlicensed personnel.
  - Renewal provisions.
- Wages, hours, and overtime:
  - Wages.
  - Hours.
  - Overtime.
- Other working conditions:
  - Port time and breaking of watches.
  - Manning scales.
  - Traveling allowances.
- Living conditions:
  - Licensed officers.
  - Radio operators.
  - Unlicensed personnel.

APPENDIXES

Appendix A: List of key agreements.
Appendix B. Tables:
- Table 1. Monthly wage rates for selected ratings of unlicensed personnel as shown by the current key agreements, April 30, 1941.
- Table 2. Hourly overtime rates taken from the current key agreements, April 30, 1941.

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EVOLUTION OF ADJUSTMENT MACHINERY IN THE WEST COAST LONGSHORE AGREEMENT, 1934–40

Foreword.
Background of the agreement.
The award of 1934.
The 1937 agreement.
The 1938 agreement.
The 1940 agreement.
Summary.

STUDY OF ARBITRATION AWARDS IN THE WEST COAST LONGSHORE INDUSTRY

Foreword.
Evolution of adjustment machinery in the West coast longshore agreement, 1934–40:
- Background of the agreement.
- The award of 1934.
- The 1937 agreement.
- The 1938 agreement.
- The 1940 agreement.
- Summary.

Analysis of determinations made by arbitration.
Scope of the agreement:
- Parties.
- Area.
- Duration.

Adjustment machinery:
- Labor relations committees.
- Arbitration procedure.

Scope of longshore work:
- Work and occupations covered by agreement.
- Liftboard controversy.
- Longshore work on steam schooners.

Hiring and dispatching:
- Interpretations given under 1934 award.
- Basic interpretations of agreement provisions.
- Interpretations of local hiring and dispatching rules.

Work stoppage:
- Refusal to pass union picket line.
- Refusal to pass demonstration picket line.
- Refusal to handle "hot cargo."
- Refusal to perform work under conditions believed inimical to health or safety.

Wages and hours:
- Overtime.
- Stand-by time.
- Travel time and carfare.
- Other.

Working conditions:
- Size of loads.
- Size and composition of gangs.

The functioning of the arbitration procedure.
Basic conception of arbitration.
Types of arbitrable issues.
Method of making determination.
Obiter Dicta.
Conclusion.
Tables:
- Regional distribution of Pacific coast longshore arbitration awards, 1934 through 1940.
- Regional distribution of Pacific coast longshore arbitration awards given under the various longshore agreements, 1934 through 1940.
- Distribution of Pacific coast longshore arbitration awards given under the various longshore agreements, 1934 through 1940, by arbitrators.
- Major issues in West coast longshore arbitration awards, 1934 through 1940.
- Major issues in Pacific coast longshore arbitration awards given under the various longshore agreements, 1934 through 1940.
- Regional distribution of major issues in West coast longshore arbitration awards, 1934 through 1940.

MARITIME LABOR RELATIONS ON THE GREAT LAKES

Introduction:
- Economic characteristics of shipping on the Great Lakes:
  - Physical characteristics of the Lakes.
  - Commerce of the Great Lakes.
  - Bulk freight.
  - Package freight and miscellaneous shipping.
  - Strategic importance of Great Lakes bulk shipping—Iron ore.
  - Coal, stone, and grain.
  - Iron ore.
- Fluctuations in Great Lakes bulk commerce.
- Vessels and tonnage of American registry available for commercial traffic on the Great Lakes:
  - Bulk carriers.
  - Self-unloaders.
  - Passenger and package vessels.
  - Automobile carriers.
  - Tankers.
  - Sand and gravel boats.
- Ownership and control of Great Lakes shipping:
  - Oglebay, Norton & Co.
  - Cleveland Cliffs Iron Co.
  - Pickands, Mather & Co.
  - The M. A. Hanna Co.
- Freight rates on bulk cargo.

Employment characteristics in Great Lakes shipping:
- Estimates of employment on the Great Lakes:
  - Seamen.
  - Longshoremen and related workers.
- Effect of seasonal and cyclical fluctuations upon employment.
- Effects on employment of mechanization and other long time trends.

Development and present status of unionism and collective bargaining on the Great Lakes:
- Origin and early development of unionism and collective bargaining:
  - Seamen.
  - Longshoremen and related workers.
  - Employers' associations and collective bargaining.
- The period from 1908 to 1933:
  - Seamen and the labor policy of the Lake Carriers' Association.
  - Longshoremen and related workers.
- The period 1933 to 1940:
  - Seamen and the Lake Carriers' Association.
  - Seamen and the "Independent" employers.
  - Longshoremen and related workers.
  - Interunion relations on the Great Lakes.

Appendixes:
- Text of original "welfare plan" of the Lake Carriers' Association as adopted 1908.
- Minimum wage scale for licensed and unlicensed personnel recommended by the Lake Carriers' Association to its members in 1937 and still in effect.
- Excerpt from National Maritime Union organizing leaflet issued on the Great Lakes in 1939.

THE EXTENT OF COLLECTIVE BARGAINING IN DEEP-SEA SHIPPING, AS MEASURED BY THE NUMBER OF SHIPBOARD JOBS UNDER COLLECTIVE AGREEMENTS

EMPLOYERS' ASSOCIATIONS IN THE MARITIME INDUSTRY

Introduction.
The maritime industry.
The development of employer associations.
The role of employer associations in collective bargaining.
The present status of employer associations in the maritime industry.
Conclusions.
Appendices.

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THE EXTENT AND CAUSES OF PARTIAL EMPLOYMENT AMONG UNLICENSED SEAMEN

Introduction:
- Date and purpose of the study.
- Sources of the data.
- Scope of the study.
- Adequacy of the samples.
- Certain seamen excluded.

Days of employment per year:
- Overall figures.
- Differences between departments.
- Frequency distribution.
- Comparison of the two samples.

Two ways in which seamen lost employed time:
- Furlough vs. beach period.
- Importance of furloughs as a channel for unemployed time.
- Causes of furloughs.

Why time is lost on the beach:
- Number of engagements per year.
- Duration of beach periods.
- Why do beach periods occur?
- Why men quit.

Summary and conclusions.
Tables 1 to 14.
Appendices A to F.

LEGAL STATUS OF SEAMEN

Articles:
- Original intent and background.
- Shipping Commissioner Act of 1872.
- Present practice.

Limitations on the right to strike.
Administration.
Federal agencies administering seamen's laws.

BRITISH MARITIME LABOR POLICY

Maritime labor policy—World War I.
Post-war maritime policy.
Maritime policy—World War II.

MATERIALS PREPARED FOR HEARINGS

Among the materials and documents filed by the Board with The National Archives are included special compilations of data assembled by the Board's staff in connection with the hearings on H. R. 2662 and H. R. 4107. Since most of these materials did not find their way into the printed hearings on these bills, the Board desires to call attention to the contents of these special compilations.

MATERIALS FOR HEARINGS ON H. R. 2662

Tentative outline for Board's statement.
Statement prepared by Mr. Casaday.
Statement prepared by Miss Sells.
Suggested statement on titles I and II (Casaday) March 11, 1941.
Suggested statement re title III (Casaday) February 17, 1941.
Tables:
- Maritime Labor Board cases.
- Maritime strikes.
- Agreements filed with the Board:
  - Coverage.
  - Number.
- Number employed in maritime industry.
- Development of West Coast longshore adjustment machinery:
  - Analysis.
  - Tables.
- Analysis of provisions in maritime agreements:
  - Hiring.
  - Adjustment machinery.
- Facts about the hiring hall.
- Summary of seamen's legislation, 1790–1915, revised.

MATERIALS PREPARED FOR SENATE COMMITTEE ON COMMERCE HEARINGS ON H. R. 4107

Subcommittee on Merchant Marine, Senate Commerce Committee.
Number of maritime workers—number and names of maritime unions—number and names of maritime employers' associations.
Additional tables concerning mediation cases.
Summaries of recent mediation cases.
Sample letters of assignment of cases to mediators.
Sample letters of commendation.
Danger signals in the maritime industry.
Statement re nomination of Maritime Labor Board Mediator Geurts as arbitrator's agent.
List of expiring agreements, letters of assignment, and proposed report form.
Relationship of Maritime Labor Board and Department of Labor.
Provisions dealing with the prohibition of strikes and lockouts, adjustment procedures, and renewal in maritime agreements.
Confidential memorandum re acceptance and rejection of the Board's services.

EXHIBITS SUBMITTED TO HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES ON H. R. 4107

Agreements in the maritime industry which specify that the Maritime Labor Board shall choose the arbitrator in the event of a deadlock or that the Maritime Labor Board shall act as mediator in the event of a deadlock.
The trend of maritime strikes 1934 to 1940 inclusive.
Mediation cases handled by the Maritime Labor Board.
Financial statement—fiscal year 1940–41.
Personal services, departmental.
Personnel of the Maritime Labor Board as shown on pay roll for period ended March 31, 1941.
Active agreements on file with the Maritime Labor Board on February 18, 1941.
List of cases handled by the Maritime Labor Board which threatened to result in strikes but which were amicably adjusted through the intervention of the Maritime Labor Board.

APPENDIX

STATISTICS ON THE MEDIATORY ACTIVITIES OF THE MARITIME LABOR BOARD FOR THE THREE FISCAL YEARS ENDED JUNE 30, 1941

In the following tables are included statistical data showing the mediatory activities of the Board for the 3 years during which it functioned as a mediatory agency. These tables contain figures not included in tables previously published by the Board or in the House or Senate hearings on H. R. 4107.

TABLE 1.—*Mediation cases or maritime labor disputes handled and closed by the Maritime Labor Board during the 3 fiscal years ended June 30, 1941*

Fiscal year ended June 30	All cases					Strikes		Threatened strikes [2]		Other disputes	
			Workers involved [1]			Number of—					
	Number	Percent increase over 1939	Number	Decrease over 1939		Cases	Workers involved	Cases	Workers involved [3]	Cases	Workers involved
				Number	Percent						
Total	195		187,912			79	65,433	20	13,339	96	109,140
1939	47		88,797			23	37,413	4	1,766	20	49,618
1940	68	44.7	61,728	27,069	30.5	26	21,520	5	2,380	37	37,828
1941	80	70.2	37,387	51,410	57.9	30	6,500	11	9,193	39	21,694

[1] Does not include observation cases, since reliable data are not available for all such cases. All figures on number of workers include only workers directly involved in each case.
[2] Cases are classified as threatened strikes only when a strike had been authorized, by a strike vote or other method, in the event of failure of the negotiations.
[3] This includes only workers directly involved in strikes. Approximately 78,000 workers were indirectly involved in these strikes, which raises the total of 65,433 to 143,433, if both types are included.

TABLE 2.—*Types of service rendered by the Maritime Labor Board in 195 closed cases, July 8, 1938, to June 30, 1941*

Types of service [1]	All cases			Strikes		Other disputes	
	Number	Percent of total	Number of workers involved	Number of			
				Cases	Workers involved	Cases	Workers involved
Total	195	100.0	187,912	79	65,433	116	122,479
Mediation	118	60.5	123,234	48	35,193	70	88,041
Advisory	40	20.5	64,678	15	30,240	25	34,438
Observation	37	19.0	[2]	16	[2]	21	[2]

[1] Classification by type of service is made on the basis of the following definitions of the Mediator's activities:
Mediation: The mediator, with the consent of both parties, participates officially in the handling of a dispute.
Advisory: The mediator, upon request, assists either one or both parties by giving advice or suggestions with regard to the issues in dispute or the conduct of negotiations, but he has not been officially accepted as mediator of the dispute.
Observation: The mediator's activity is limited to being at the scene of the dispute, following and reporting developments, without formal participation.
[2] Not given for observation cases, since reliable data are not available for all the cases.

TABLE 3.—*Regional distribution of 195 cases July 8, 1938, to June 30, 1941*

Shipping regions	All cases			Strikes		Other disputes	
	Number	Percent of total	Number of workers [1] involved	Number of			
				Cases	Workers [1] involved	Cases	Workers [1] involved
All regions	195	100.0	187,912	79	65,433	116	122,479
Atlantic coast	80	41.0	104,632	36	41,952	44	62,680
Pacific coast	50	25.6	66,405	[2] 23	20,342	[2] 27	46,063
Gulf Coast	28	14.3	10,977	11	799	17	10,178
Great Lakes	31	16.0	2,743	6	1,100	25	1,643
Inland waterways	6	3.1	3,155	3	1,240	3	1,915

[1] Does not include observation cases.
[2] Includes 2 cases in Hawaii.
[3] Includes 5 cases in Hawaii.

TABLE 4.—*Source of request for services of the Maritime Labor Board in 195 closed cases, July 8, 1938, to June 30, 1941*

Source of request	Types of service							
	All cases			Cases				
				Mediation		Advisory		Observation
				Number of—[1]				
	Number	Percent of total	Number of workers involved	Cases	Workers involved	Cases	Workers involved	Number
All sources	195	100.0	187,912	118	123,234	32	64,678	37
Employers' request	34	17.4	20,872	17	3,449	8	17,423	----
Employees' request	91	46.7	40,609	57	18,240	15	22,369	----
Joint request	16	8.2	4,346	15	4,310	1	36	----
Board's proffer of service	39	20.0	99,029	24	93,829	5	5,200	----
Other [2]	15	7.7	23,056	5	3,406	3	19,650	----

[1] Not given for observation cases, since reliable data are not available for all such cases.
[2] Includes requests from the Conciliation Service, the National Labor Relations Board, employers' associations, and local public officials.

TABLE 5.—*Types of personnel involved in 195 closed cases July 8, 1938, to June 30, 1941*

Type of personnel	All cases			Strikes		Other disputes	
	Number	Percent of total	Number of workers involved	Number of—			
				Cases	Workers involved[1]	Cases	Workers involved[1]
All types	195	100.0	187,912	79	65,433	116	122,479
Licensed officers	65	33.3	6,714	12	1,550	53	5,164
Unlicensed personnel	40	20.5	32,043	25	8,436	15	23,607
Radio operators	7	3.6	156	2	----	5	156
Harbor craft personnel	23	11.8	8,938	16	4,264	7	4,674
Longshoremen	29	14.9	102,273	12	26,915	17	75,358
Clerks and checkers	4	2.1	1,329	3	1,315	1	14
Office workers	8	4.1	626	2	215	6	411
Other dock workers	9	4.6	18,742	4	16,772	5	1,970
Fishery workers	10	5.1	17,091	3	5,966	7	11,125

[1] Does not include observation cases.

TABLE 6.—*Distribution of 195 closed cases by origin of dispute, July 8, 1938, to June 30, 1941*

Origin of dispute	All cases			Strikes		Other disputes	
	Number	Percent of total	Number of workers involved	Number of—			
				Cases	Workers involved [1]	Cases	Workers involved [1]
All types	195	100.0	187,912	79	65,433	116	122,479
Negotiation of an initial collective agreement	48	24.6	9,345	20	5,740	28	3,605
Renewal of a collective agreement	82	42.1	160,163	30	47,388	52	112,775
Interpretation of a collective agreement	25	12.8	9,620	12	8,152	13	1,468
Modification of a collective agreement	24	12.3	5,108	10	1,833	14	3,275
Other [2]	16	8.2	3,676	7	2,320	9	1,356

[1] Does not include observation cases.
[2] Includes cases involving reinstatement of discharged workers, jurisdictional disputes, and disputes arising where there was no contractual relationship between the parties.

TABLE 7.—*Frequency of specified major issues in 195 closed cases, July 8, 1938, to June 30, 1941*

Major issues	All cases		Strikes		Other disputes	
	Number	Number of workers involved[1]	Number of—			
			Cases	Workers involved [1]	Cases	Workers involved [1]
Wages	107	120,625	46	46,582	61	74,043
Overtime	53	28,032	20	9,347	33	18,685
Hours	39	117,525	19	29,156	20	68,369
Union demand for contract	31	10,885	13	8,994	18	1,891
Manning scale [2]	30	53,733	11	3,409	19	50,324
War-risk compensation	23	10,123	11	2,379	12	7,744
Working conditions [3]	21	30,428	10	4,681	11	25,747
Paid vacations	15	17,531	6	2,985	9	14,546
Adjustment machinery [4]	14	22,146	7	6,630	7	15,516
Union recognition	13	4,210	6	1,735	7	2,475
Hiring method	11	37,906	5	15,806	6	22,100
Preferential hiring	10	25,815	5	10,575	5	15,240
Closed shop	10	8,519	5	2,059	5	6,460
Jurisdiction	9	8,468	5	7,024	4	1,444
Seniority	8	3,614	3	735	5	2,879
Sympathetic strike	7	2,686	7	2,686	----	----
Other [5]	55	19,872	21	13,774	34	6,098

[1] Does not include observation cases.
[2] Includes size and composition of longshore gangs as well as manning scales for vessel personnel.
[3] Includes such issues as crew quarters, rest periods, size of loads, use of labor-saving devices, safety regulations, provision of relief officers, relief gangs, etc.
[4] Refers to the inclusion in an agreement of provisions dealing with the settlement of disputes and grievances.
[5] Includes such issues as reinstatement of discharged workers, dismissal pay, paid holidays, extra days off, reclassification of positions, guaranteed season, alleged discrimination against union members, demanded discharge of nonunion workers, etc.

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TABLE 8.—*Distribution of 195 closed cases by type of settlement, July 8, 1938, to June 30, 1941*

Type of settlement	All cases			Strikes		Other disputes	
				Number of—			
	Number	Percent of total	Number of workers involved [1]	Cases	Workers involved [1]	Cases	Workers involved [1]
All types	195	100.0	187,912	79	65,433	116	122,479
Collective agreement made, modified, or renewed	106	54.3	144,507	35	34,045	71	110,462
Settlement by bipartisan negotiations or by arbitration [2]	21	10.8	17,908	12	15,096	9	2,812
Settlement by accommodation [3]	27	13.8	2,124	9	1,595	18	529
Other types of disposition [4]	30	15.4	13,960	19	10,539	11	3,421
No jurisdiction	4	2.1	2,125			4	2,125
Failed of settlement	7	3.6	7,288	4	4,158	3	3,130

[1] Does not include observation cases.
[2] Includes cases in which the Board's services brought the parties together on a working basis, or secured the assent of the parties to arbitration. Such cases were thus closed so far as the Board was concerned.
[3] Includes settlement of disputes arising under an agreement, in alleged violation of an agreement, and, in a few cases, where there was no contractual relationship between the parties. In these cases the parties were brought to agreement on the question at issue.
[4] Includes cases that were referred to other agencies, and a few cases that could not be completed after June 30, 1941, because of absence of congressional appropriation.

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